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# THE INDYPENDENT

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## e-Farce

How greed, corruption and electronic voting could leave the November elections in shambles.

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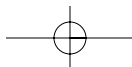


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# Liberty Lost

## FRIGHTENED CONGRESS GIVES BUSH UNPRECEDENTED POWERS

BY ANNE M. SCHNEIDER

Facing mid-term elections, both houses of Congress adopted the Military Commissions Act of 2006 in September, permanently repealing habeas corpus for non-citizens and giving the president complete discretion to use whatever interrogation techniques he sees fit — short of murder and rape.

Unfortunately, Sen. John McCain (R-Ariz.) and some human rights groups appear to have been hoodwinked into retroactively legalizing some methods of torture in return for meaningless promises. While the bill says that torture is illegal, in reality, very little is prohibited. Human Rights First stated in a press release that waterboarding is now prohibited and considered a war crime. But in fact, the new law says that acts constitute torture only if they are “intended to cause extreme physical pain through the infliction of bodily injury.” Waterboarding is a psychological technique and would therefore likely be permitted.

Defining what constitutes torture was delegated to the executive. This way, the administration preserves its right to use undisclosed “alternative interrogation procedures.” An amendment requiring the CIA to submit to congressional oversight was defeated, as was a five-year sunset clause. An amendment by Democrats to restore access to the courts (habeas corpus) for those held at Guantánamo was defeated 51-49.

The new law also serves as a vehicle for the administration to retroactively immunize CIA and army interrogators against prosecutions under the War Crimes Act. Previously, violations of Geneva Article III were felonies, punishable by life in prison or death if the prisoner dies. There was no statute of limitations or pardon for war crimes. Now the definition of offenses is narrowed to make them much more difficult to prosecute. In addition, this portion of the Military Commissions Act was made retroactive to Sept. 11, 2001, so that even the worst abuses at Abu Ghraib are amnestied.

President George W. Bush’s aim in proposing this legislation was stated on Sept. 6 when he told a group of 9-11 widows, “Some of our military and intelligence personnel involved in capturing and interrogating terrorists could be at risk of prosecution under the War Crimes Act, just for doing their jobs.” The CIA was so concerned about liability for the routine use of torture at secret prisons that it ordered its personnel to stay away from the sites of the worst abuses. There is much irony in the fact that the greatest skeptics of the infamous Justice Department memos justifying torture turned out to be the CIA. Four years after administration lawyers said “it’s not torture

unless it causes lasting physical injury or organ failure,” the CIA demanded and received legal immunity for its officers.

The worst feature of this new law is that the President will now be able to designate anyone — even a U.S. citizen — an unlawful enemy combatant (UEC). Taking up arms against the U.S. is no longer required. The new definition extends to anyone who has “purposely and materially supported hostilities against the United States.” We have already seen Lynne Stewart and her translators swept up in this definition. The designation of UEC can be made by any “competent tribunal,” to be appointed by the Secretary of Defense.

### A TYRANT BY ANY OTHER NAME

The Bush Administration has consistently sought to expand the authority of the executive branch over the past six years. Some of the new powers that Bush gained from the Military Commissions Act of 2006 are:

- The power to designate anyone living inside or outside of the United States an “unlawful enemy combatant” and have them detained indefinitely without being able to go before a judge or challenge their accusers in a court of law.
- The power to decide which “alternative interrogation procedures” are torture and which are not.
- The power to use evidence obtained through torture in trials before military tribunals if such testimony is thought to be “reliable.”

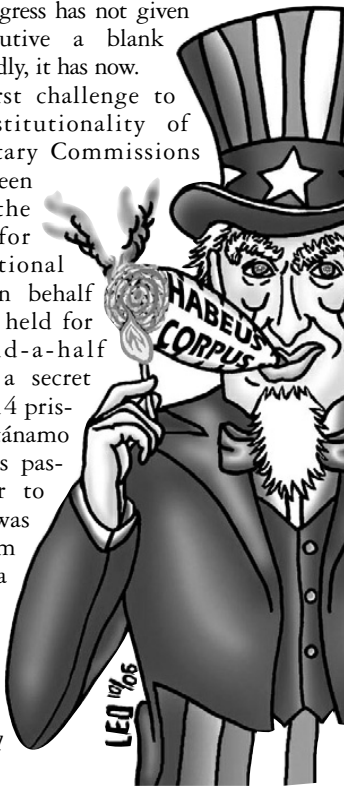
CIA jail. He is one of the 14 prisoners transferred to Guantánamo upon the eve of this bill’s passage. This hasty transfer to Gitmo from a black hole was apparently made to deny him the possibility of a trial in a country that still follows the Geneva Conventions.

*The People’s Lawyer is a project of the New York City chapter of the National Lawyers Guild (nlgnyc.org). 212-679-6018*

The new law allows the U.S. government to take away the Geneva protections from those to whom they were designed to apply. The new law says, “No unlawful enemy combatant subject to trial by military commission under this chapter may invoke the Geneva Conventions as a source of rights at his trial by military commission.”

The Bush administration has also achieved the suspension of habeas corpus for all those held as enemy combatants or unlawful combatants, effectively putting Guantánamo beyond the reach of the courts. This is exactly what the U.S. Supreme Court said in June in *Hamdan v. Rumsfeld* that it could not do. Justice Breyer, writing for the majority, said, “Congress has not given the Executive a blank check.” Sadly, it has now.

The first challenge to the constitutionality of the Military Commissions Act has been filed by the Center for Constitutional Rights on behalf of a man held for three-and-a-half years in a secret



## The HISTORY of HABEAS CORPUS

When Congress approved the suspension of habeas corpus for “unlawful enemy combatants” on Sept. 29, it thrust the United States back nine centuries in time to a world where subjects could be disposed of at the whim of kings who ruled by divine right.

Habeas corpus, from the Latin “produce the body,” started as a straightforward means to require prisoners to present themselves for testimony at trial. What began as a weapon of the courts became with time protection against arbitrary detention, and still represents the cherished principle that unlawful detainment can be immediately challenged.

Writs to this effect first appeared in the 11th century, making habeas corpus common law in England by the time rebellious barons forced King John I to codify it in the 1215 Magna Carta (or “Great Charter”), the foundational document of the Anglo-American legal system.

Article 39 read: “No freeman shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor will we send upon him except upon the lawful judgement of his peers or the law of the land.”

To prevent kings from whimsically interfering in matters of detention, habeas corpus was further codified into English law in 1679. The principles of habeas corpus were also embedded in the U.S. Constitution when the 5th and 6th Amendments were approved in 1791. —Irina Ivanova

## WORLD CAN’T WAIT



From left to right: Juliana Gil, Tasha Stanton, Kelvis Torres.

On October 5, protesters in dozens of cities across the nation participated in the World Can’t Wait call to “Drive Out the Bush Regime.” In New York 1,000 to 2,000 demonstrators marched from the United Nations to Union Square Park. In Washington, D.C., protesters declared the White House a “crime scene” and wrapped its perimeter fence in yellow police tape. While protests were largely peaceful, clashes in Portland between police and demonstrators led to seven arrested. PHOTO: MAURICIO QUINTERO



BY ANN M. SCHNEIDER

Activist attorney Lynne Stewart could receive as much as 30 years in prison on Oct. 16 when she is sentenced by a judge for her conviction of giving material aid to terrorism. Her defense team, which has gathered 800 letters from fellow attorneys, former clients and supporters, asks for no jail time in light of her age and compromised health.

Stewart, 67, a longtime member of the National Lawyers Guild, wrote a letter to Judge John G. Koeltl, who will sentence her, offering an explanation for her violation of the Special Administrative Measures (SAM), which forbid her to pass on communications from her client Sheik Omar Abdel Rahman. It is not an apologia, as has been represented in the major media. She does, however, confess to naivete, to being spread too thinly, and to giving insufficient attention to the possible repercussions of her representation of the Sheik.

Ever eloquent, she writes, “My greatest regret is that this case may bring added burdens to my fellow lawyers who already understand that to be intimidated by one’s adversaries precludes being able to fully represent the client.”

Stewart’s letter reminds the judge that many judges have called upon her in the past to represent difficult clients.

If the conviction of Lynne Stewart was unjust, even more so is the conviction of Mohammed Yousry, the York College adjunct professor whose only crime was to translate for the Sheik when Stewart visited him in prison. Yousry was pre-cleared for this assignment by the Department of Justice. He was never asked to sign the SAM and only translated what was approved by Stewart. Tapes of the attorney-client conferences reveal the Sheik’s growing irritation with Yousry who drinks, smokes and is married to an evangelical Christian. For his translations services, Yousry was convicted of conspiracy to materially aid terrorism and faces 21 years when he is sentenced with Stewart. He refused several offers to turn state’s witness against Lynne Stewart.

The National Lawyers Guild, the National Association of Criminal Defense Attorneys, the Conference of Black Lawyers, and the Center for Constitutional Rights have all issued statements in support of Lynne Stewart. The American Association of University Professors has defended the academic freedom of Mohammed Yousry.

Pre-sentencing rallies will be held on Sunday Oct. 15, at 4 p.m. at Riverside Church, Riverside Dr. and 121st St., and Monday, Oct. 16, at Foley Square starting at 8 a.m.

Ann M. Schneider is a member of the Lynne Stewart Defense Committee.





BY JESSIE CARPENTER

After a year of hearings and deliberations, the Spellings Commission on the Future of Higher Education handed in its homework on Sept. 26.

Dominated by corporate executives, the commission called for a sweeping transformation of the U.S. system of higher educa-

tion that would include standardized curricula and testing on a collegiate level and the creation of a giant database to track every single student's educational record from kindergarten through college and into the workplace.

"This initiative represents a frontal assault on the U.S. higher educational system, under the guise of reform," John Seery, professor of Politics at Pomona College, wrote on

Huffington Post. "Basically the same folks who dismantled FEMA (and have been trying to do the same with other public agencies and institutions) now want to bring their politicized incompetence to all of higher education in America."

Speaking at the National Press Club on Sept. 26, Secretary of Education Margaret Spellings outlined her vision of education reform based on improved consumer choice.

"If you want to buy a new car you go online and compare a full range of models, makes and pricing options," she said. "And when you're done you'll know everything from how well each car holds its value down to wheel size and number of cup-holders.

The same transparency and ease should be the case when students and families shop for colleges, especially when one year of college can cost a lot more than a car."

Spellings, who followed Bush from Texas to Washington, D.C., is one of the main architects of the No Child Left Behind Act, which mandated intensive standardized testing in grade schools across the country. In her speech, she called for extending this testing regime to the nation's 6,000 universities, colleges and technical schools so as to be able to measure the educational "outputs" produced during a student's time in

system they are talking about would have to use individual identifiers, a database that puts personal privacy at risk."

While the Spellings Commission emphasized market-oriented approaches to improving the quality of higher education, the six leading higher education associations and Sen. Ted Kennedy (D-Mass.) trumpeted the commissions' call for increasing Pell Grants over five years so that they cover 70 percent of the average in-state tuition at public four-year colleges instead of the current 44 percent. Such an initiative would require another \$9 to 12 billion per year in government spending on

# Wal-School

EDUCATION SECRETARY MARGARET SPELLINGS PUSHES SHOPPING CHANNEL VISION FOR HIGHER EDUCATION

school. The commission also touted distance learning and "non-traditional" for-profit education providers as vehicles for improving the higher education system.

"The shortcoming of the commission is that they are approaching higher education as a consumer good, as if it can be purchased," said John Curtis of the American Association of University Professors. "Education is a process, not a database to do comparison shopping with."

The commission's call for a centralized database has also sparked concerns. "We are very worried that the proposed tracking system will violate the rights of the 15 million college students in America," said Tony Pals, a member of the National Association of Independent Colleges and Universities. "The

higher education at a time of record budget deficits. Both Spellings and Commission Chairman Charles Miller (who was appointed to head the University of Texas Board of Regents by then-Gov. George W. Bush in 1999) reiterated that any increase in financial aid would be contingent on schools containing costs and introducing standardized testing, conditions that favor for-profit schools.

Skeptics of the Bush administration's intentions suggested that educators think twice before embracing the work of the Spellings Commission.

"College leaders who endorsed the overall report (and the many tough requirements it would impose on higher education) might come to regret that support," wrote Doug Lederman of insidehighered.com.

# Fencing Them Out

SATELLITES, SENSORS, AERIAL DRONES, AND INFRARED CAMERAS TO BE DEPLOYED IN U.S. SOUTHWEST

BY JESSICA LEE

TUCSON, Arizona—A consortium of private defense contractors led by Boeing received the go-ahead from President Bush Oct. 4 to begin work improving the "virtual fence" along the U.S./Mexico border based on integrated technology including satellites, sensors, aerial drones, and infrared cameras.

Secure Border Initiative (SBI), a comprehensive program designed to mix technology, infrastructure, and staffing to secure the entire 6,000-mile southern and northern borders of the United States, was unveiled by Department of Homeland Security (DHS) Secretary Michael Chertoff in 2005. Last month, DHS awarded Boeing a \$2 billion-three-year contract to build SBI.

"The strategic partnership allows the department to exploit private sector ingenuity and expertise to quickly secure our nation's borders," said Chertoff in a Sept. 21 press release.

DHS and Boeing plan to approach border security through a "threat-based approach," in which localized segments of the U.S. border are prioritized by the perceived risk of terrorism. Within eight months, Boeing plans to have a "model of the entire solution mix" deployed within southern Arizona.

"The first initial task is to place additional mobile towers, equipped with sensors, radars and cameras for U.S. Border Patrol to use along the 28-mile U.S./Mexico border within the Tucson Sector. This equipment will be deployed without too much distraction to

local communities," said Robert Villanueva, spokesperson for Boeing Integrated Defense Systems. The next phase would be to place permanent larger towers with similar detection technology in the more remote areas of the border, Villanueva said. An estimated one million undocumented workers crossed into the United States last year.

The most controversial part of SBInet is the construction of a 700-mile-long border wall, which would cross most of Arizona, and portions of New Mexico, California and Texas. Environmental organizations have spoken out against the plan, noting the detrimental consequences to unique biodiverse regions in the southwestern U.S. "The only living things the walls won't stop are people," said Michael Finkelstein, executive director of the Center for Biological Diversity, in a press release.

Earlier this year, Defenders of Wildlife released *On the Line: the Impacts of Immigration Policy on Wildlife and Habitat in the Arizona Borderlands*, a report detailing the detrimental environmental effects of border policy in Arizona over the last 15 years. In the 1990s, immigration enforcement efforts increased in border cities of San Diego, Calif. and El Paso, Texas, forcing undocumented migrants to risk crossing the border in remote, undisturbed areas. More than 3,000 people are estimated to have perished in the southwestern deserts attempting to cross into the United States since the 1990s.

However, speculation arose recently about whether the wall will actually be built after



On Oct. 7, two rallies converged at the U.S./Mexico border in Nogales, Ariz., demanding an end to the militarization of the borderlands. PHOTO: JESSICA LEE

the U.S. House and Senate agreed to distribute the funding to a variety of border projects. Congress members also pledged that Native American tribes, members of Congress, governors and local leaders would get a say in the precise placement of any structures.

Border communities have spoken out against the possible fence. On Oct. 7, two rallies converged at the U.S./Mexico border in Nogales, Ariz., demanding an end to the militarization of the borderlands.

"Just like private contractors in Iraq, the entire point of SBI net is for private companies to make a killing off of the situation," said Geoff Boyce, media spokesperson for No More Deaths, a coalition of border activist and humanitarian groups. "Militarization of the border is a diversion from the real issue, that U.S. neoliberal policies such as the

North American Free Trade Agreement (NAFTA) are much of the reason behind the immigration into the United States"

Indigenous voices cried out against the wall during a three-day Border Summit on the Tohono O'odham Nation in southern Arizona at the end of September. A Border Summit Draft Declaration was released noting that the wall would further damage environmental, cultural and natural resources for the Nation, which was already split in half by the creation of the U.S./Mexico border.

"Since 9-11, the U.S. government has ratcheted up its attacks against the indigenous residents of the United States. In southern Arizona, these attacks have come in the guise of borderland defense," said Ofelia Rivas in an interview posted on the website O'odham Voices Against the Wall.



# RESISTING THE VOTING RIGHTS ROLLBACK



**FIGHTING FOR THE VOTE:** Young civil rights activists poured into Mississippi in the summer of 1964 to demand voting rights for all. TED POLUMBAUM COLLECTION / NEWSEUM

BY ULA KURAS

While many voting rights activists are focused on problematic new voting machines, others are working to fend off an onslaught of new state and local voting initiatives that could restrict access to the vote.

Among the new voting requirements recently contested in courts are state-issued photo IDs and tight restrictions on voting registration drives. Proponents of such requirements tend to be conservative white Republicans who argue that tighter rules are essential for preventing voter fraud. However, critics say such laws will unfairly impact the poor, the elderly, the disabled, and college-age students, all of whom tend to vote more for the Democrats.

According to the Brennan Center for Justice, more than 25 percent of the voting-age citizen population is not registered to vote. Many non-profit organizations and advocacy groups have long responded by sponsoring voter registration drives, but attempts to closely regulate their activities are impeding their efforts.

In New Mexico, registration applications must now be submitted within 48 hours of completion and all employees and volunteers must disclose their identities with the state. In Colorado, applications must be submitted within five business days. Failure to do so could result in \$500 per day fine per late application. A federal court in Miami recently blocked enforcement of a Florida law that would have placed hefty fines ranging from \$250 to \$5,000 for noncompliance of application submission deadlines.

In Ohio, a pending federal lawsuit charges state officials with failing to provide voter registration opportunities in public assistance offices, as required by the National Voter Registration Act (NVRA). The plaintiffs charge they were not informed of their right to register to vote during visits to public assistance offices. According to the lawsuit, only 68 percent of Ohioans in households making less than \$15,000 a year were registered to vote in 2004 versus 92 percent of individuals in households making \$75,000 or more. According to a July 2005 report by the advocacy groups Demos, Project Vote and the Association of Community Organizations for Reform Now (ACORN), virtually no states are complying with NVRA.

**THE NEW POLL TAX**

Efforts by some states to require voters to show photo IDs have also sparked a number of legal battles. Georgia and Missouri recently struck down laws requiring voters to present state-issued photo ID's, however in Florida and Indiana this requirement still exists. Acquiring a state-issued ID can be time-consuming, costly, and may entail obtaining additional government documentation such as a birth certificate or social security card. Critics argue that such a mandate is akin to reinstating the poll tax, which existed in some southern states until it was abolished by constitutional amendment in 1964. Supporters of the ID card argue that it will protect against voter fraud, particularly among undocumented immigrants. However, very little evidence of "imposter voting" has been produced.

Arizona recently passed a new voting regulation that requires providing proof of citizenship at the polls that could unfairly impact more mobile populations such as low-income residents and college-age students, who are less likely to have access to the required documents and who may lack transportation to obtain them.

Further hampering of new voter registrants has occurred through a database matching program in states such as Maryland and Florida that require first-time voter registrant applications to match personal identification numbers to the Motor Vehicle Administration or Social Security Administration databases. If an accurate match is not made, the application is rejected. This method has been criticized for common errors in entering data entry such as transposed fields and misspellings. Women that have changed their last names and people who may have unfamiliar names are disproportionately affected. A September 2004 test run in New York resulted in 20 percent of eligible new voter registrants rejected due to data entry errors.

State laws that deny felons the right to vote disenfranchise more than four million people. This disproportionately affects Black men – an estimated 13 percent of whom cannot vote, according to the Sentencing Project. Civil liberties advocates recently filed a petition with the Inter-American Commission on Human Rights citing that New Jersey and other states with disenfranchisement policies, particularly against those on parole and probation, violates universal human rights.

## COLUMBIA SMACKDOWN Hate Speech Is The Issue

When Columbia University students and community allies chased Minuteman project founder Jim Gilchrist off the stage at Boone Arledge Auditorium on Oct. 4, a furor erupted. Fox News and the New York Post were outraged. Columbia president Lee Bollinger promised to punish student activists who organized the outburst. Below is a short statement issued by audience members who stormed the stage:

In the aftermath of the protest on the night of Oct. 4 against Jim Gilchrist and the Minutemen at Boone Arledge auditorium, we want to state clearly: We are proud to send the message to the country that racist and fascist groups are not welcome at Columbia or in New York City.

As Chicanos and Latinos, alongside African-Americans and progressive people of other nationalities, we took it as our responsibility to give voice to the undocumented immigrant families who live in fear of terrorist vigilante groups like the Minutemen. Armed patrols by these groups force more and more people desperate for work to find even more hazardous ways into the United States. Over 3,000 people – including hundreds of children – have died in the desert.

Fascist scapegoating is not up for academic discussion. Like Hitler in pre-Nazi Germany, Gilchrist and the Minutemen attempt to demonize foreign-born poor people, blaming "illegals" for society's problems. His group doesn't present reasoned debate. It spouts racism and hatred, aiming to divide people against one another.



We are sure that if the Nazi party held a public meeting on campus, Jewish groups would be there to challenge them – so would we. We are sure that if the Ku Klux Klan held a public meeting on campus, African-American groups would be there to challenge them – so would we. The Minutemen are no different.

The hundreds of people outside Boone Arledge chanting, "Minutemen, Nazis, KKK, racists, fascists, go away!" represented students and community people from all walks of life. Inside the auditorium, perhaps as much as 80 percent of the crowd was repelled by the Minutemen's message of hate.

When we walked on stage with anti-racist banners for immigrant rights, we were met with violent attack by Gilchrist's goons. We were the ones who were punched and kicked. We are proud that despite these attacks, we held our ground. When Gilchrist walked off stage, it was because he and his Minutemen outfit were isolated.

This is not an issue of free speech. The Minutemen were able to reserve a hall at our university and had the protection of campus security and the NYPD – all to espouse their hate speech. We along with hundreds of others expressed our right to speak and protest.

Over the last 50 years, throughout the Civil Rights movement and the women's rights movement, ultra-right-wing groups have routinely used violence, lynchings, armed assaults and bombings against oppressed people. Yet when we organize to oppose them to express our contempt for their violence, we are criticized for inhibiting the free speech of the ones who perpetrate violence.

Shame on the Columbia University administration for launching an investigation of peaceful protesters, and failing to condemn the perpetrators of violence. Shame on the College Republicans for inviting this fascist thug and provoking such outrage on our campus.

For more debate on the Minutemen in New York, see [nyc.indymedia.org](http://nyc.indymedia.org).

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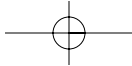
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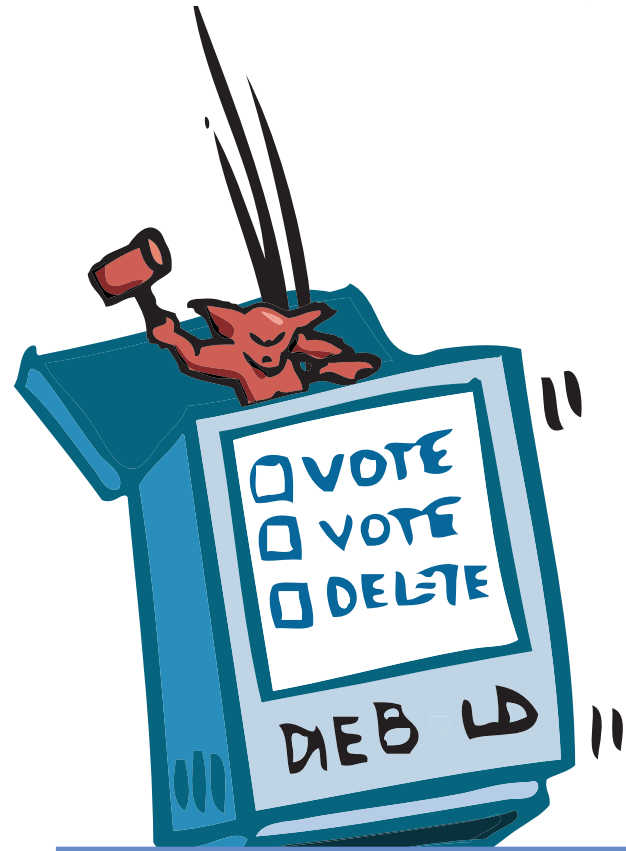


ELECTRONIC VOTING FOLLIES

“The threat that I’m most concerned about is undetectable, widespread, wholesale fraud – that’s the threat that keeps me up at night with these machines. Will you ever detect that undetectable fraud? By definition you won’t.”

Penetrating the Voting Vortex

by ERIN THOMPSON



“We need to ban the word glitch from election vocabulary. All a glitch is is something that disenfranchised voters,” voter-rights activist Bev Harris told *The Independent*. Harris is the founder of Black Box Voting (BlackBoxVoting.org), a website that has become an authoritative source on the failures of electronic voting equipment over the past few years. “[Voters] need to get the public records and they need to look a little deeper, and if they do in the days following the [2006] election... it’s going to fall apart like a cheap suit,” said Harris. “When Black Box Voting has gotten the records in the past, typically the records do not support the results. They don’t match; they show all kinds of anomalies,” she said. A bevy of recent problems in 2006 primaries support Harris’ concerns:

- In Pottawattamie County, Iowa, the June primary election results of nine races were reversed when a hand count of ballots tabulated by an ES & S manufactured optical scanner revealed that all the winners were, in fact, losers.
- 100,000 extra votes appeared on a HartIntercivic paperless Direct Recording Electronic (DRE) machine in a March primary race in Tarrant County, Texas, earlier this year – despite the fact that there were only 58,000 registered voters.
- Programming “glitches” caused results of the March primary in Cook County, Ill (which includes Chicago), to be delayed by up to a week, when the counties’ new Sequoia touch-screen DRE and optical scanner machines failed to transmit results from precincts in the area.
- After widespread reports of problems with Ohio’s electronic voting equipment in the 2004 election, the Election Science Institute completed a three-month study following the March 2006 primary in Cuyahoga County, Ohio, (which includes Cleveland). The study found that Diebold touch-screen machines recorded four different vote totals, with totals on two separate paper records, the election archive and the memory cards all differing.

The researchers concluded that using the electronic machines was a “calculated risk” and that “the election system, in its entirety, exhibits shortcomings with extremely serious consequences, especially in the event of a close election.” Electronic voting machines were supposed to solve the problem of elections in this country. After the very public failure of punch cards and butterfly ballots in Florida’s 2000 presidential vote, Congress passed the Help America Vote Act (HAVA) in 2002, which allocated \$3.9 billion to states to update and improve an apparently antiquated voting process while also improving access for disabled persons. Instead, HAVA opened the door to nationwide adoption of untested and problematic electronic voting technology that has given unprecedented power to private industry to control the outcome of elections. The implementation of that new technology has also revealed fundamental failings in the current electoral system and an inability on the part of federal, state and local governments to ensure that democracy in this country functions as it should. “There’s really not a new problem here.... We’re just seeing the problem because we’re looking. A lot of the problems are really entrenched, long-term problems,” said David Dill, Professor of Computer Science at Stanford University who founded Verified Voting (VerifiedVoting.org), a nonprofit organization that advocates reliable and publicly verifiable elections. “[As a nation] we don’t have an attitude about elections that those are precious things that need to be protected.”

A NEW AGE OF FRAUD

Nearly 90 percent of registered voters, or 150 million people, now live in counties that will use some form of electronic voting equipment in the

upcoming election – a 63 percent increase in voters affected since the 2000 elections, when the majority of precincts used mechanized lever machines or punch-card ballots. The electronic voting equipment that will be most widely used in the 2006 elections are optical scanning machines, that scan paper ballots filled out by voters and tally the count. These machines, while susceptible to many of the computer glitches and security concerns raised by critics, have one striking advantage over other types of voting equipment: a paper trail. Thirty-nine percent of registered voters will cast ballots in counties using DRE devices, which look and function much like an ATM machine, while lacking one crucial feature. All ATMs are equipped with receipt printers and can be audited for mistakes by banks and customers. In states like Maryland, Georgia and Florida, some voters will be using completely paperless DREs in the upcoming election, which leave no record of the vote anywhere but inside a computer’s memory bank. “Computer systems are so complex that it is impossible to check that the software or the hardware is correct or honest,” said Dill, who called paperless voting “silly.” “Software is very complicated, it’s really hard to write a large program to get it right – it’s essentially impossible,” said Barbara Simons, a former IBM employee who served as president of the Association of Computing Machinery from 1998 to 2000 and now sits on the board of Verified Voting. Not only are machines susceptible to bugs and malicious programming that can change votes, say critics, but it is next to impossible for anyone to check what is happening on the inside of the machines. “We have no way of auditing the system designs,” said

Dill, whose research is in the field of checking the correctness of hardware and software running in computer systems. “It is impossible to check that the software or the hardware is correct or honest.” The anonymous nature of the electoral process guarantees that no single voter will ever be able to go back and check if her or his vote was recorded correctly. For systems that rely on paperless technology, that means trusting the computers are tabulating votes correctly with no means of double-checking. And while paperless mechanical lever machines (which are still in use in New York) raise difficult questions about the ability to verify votes, officials or poll workers with access to the machines would have to rig each machine individually, making widespread vote fraud much less likely. However, a slew of recent studies have proven that electronic voting machines are capable of being hacked and manipulated internally by almost anyone with access to the machines including vendors, poll workers and voters themselves; while malicious code and viruses can affect thousands of machines, with no way of detecting or proving fraud. “The threat that I’m most concerned about is undetectable, widespread, wholesale fraud – that’s the threat that keeps me up at night with these machines. Will you ever detect that undetectable fraud? By definition you won’t,” said John Hopkins computer scientist Avi Rubin at a recent signing of his new book, *Brave New Ballot: The Battle to Safeguard Democracy in the Age of Electronic Voting*. “The question isn’t, has [voting fraud] occurred? We don’t know. And if it did occur, we wouldn’t know, because that’s the nature of the fraud we’re concerned about.”

THE DIRT ON DIEBOLD

In 1997, as an employee of AT&T Labs, Rubin worked on a project with the government of Costa Rica to design an electronic voting machine for that country. “I started getting very nervous, started thinking like an adversary, as I’ve been trained to do as a security person, thinking about what you might be able to do to rig these machines if you wanted to,” he said. “We, the people that were building and designing that system, were in a position to do so in a way that we could control the outcome if we wanted to,” he said. “I had [initially] thought this was a good idea, and decided it was a pretty bad idea,” he said. Rubin’s explorations of electronic voting technology would not end there. In 2003, he co-authored a report analyzing source code from a Diebold AccuVote-TS machine that Bev Harris had discovered on the internet. The code had come from an unsecured Diebold website and was the first look at the internal workings of an electronic voting system. Diebold, like all the elections systems companies at the time, had refused to allow outside analysis of its software, claiming that code was proprietary. Rubin and three other scientists wrote a paper on the Diebold source code, known as *The Hopkins Report*, which revealed “significant security flaws: voters can trivially cast multiple ballots with no built-in traceability, administrative functions can be performed by regular voters, and the threats posed by insiders such as poll workers, software developers, and even janitors, is even greater.” “Personally, I now believe that if that code were written by the world’s best programmers and the best security experts, and didn’t have the problems that we found, they would still not be good machines to use. But that’s not the case, it was riddled with security problems,” said Rubin of the Diebold software he analyzed in 2003.

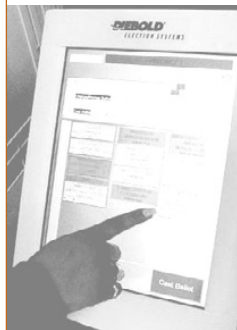
continued on page 8

ILLUSTRATIONS BY GARY MARTIN

THE U.S. HAS TRIED TO TAKE VOTING INTO THE DIGITAL AGE IN RECENT YEARS EVEN AS CONCERNS GROW ABOUT THE NEW TECHNOLOGY.

BY CHRIS ANDERSON

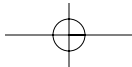
<b>NOV 2000</b> Florida	<b>OCT 2002</b> Passage of HAVA	<b>NOV 2002</b> Controversy in Georgia	<b>JAN 23, 2003</b> Diebold Source Code Found	<b>AUG 14, 2003</b> O'Dell to "Deliver" Ohio	<b>NOV 4, 2003</b> Problems in Virginia	<b>APRIL 30, 2004</b> California Lawsuit Averted	<b>JUNE 14, 2004:</b> Florida Primary	<b>NOV 2004</b> The Kerry Defeat	<b>MARCH 2006</b> Problems in Maryland	<b>MAY 2006</b> Problems in Ohio	<b>2006</b> Did Bush Really Win in 2004?
The 2000 presidential election, in which the wide-scale suppression of the votes of African-Americans in Florida is drowned out by images of hanging chads and butterfly ballots, is awarded to George W. Bush by a divided Supreme Court.	Following the 2000 election debacle, Congress passes the Help America Vote Act, (HAVA) which centralizes county election procedures and strongly encourages the adoption of electronic voting machines.	Using electronic voting machines manufactured by Diebold, Georgia voters elect a Republican governor for the first time since the Civil War and toss out Democratic Senator Max Clelland. No paper trail is required for voting machines in Georgia. The final election results show a 16 percent swing in favor of the Republican candidate in the governors' race and a 12 percent swing away from Clelland compared to polls taken days before the vote.	On an unprotected website, muckraking journalist/activist Bev Harris finds 40,000 files of Diebold Election Systems' source code. The discovery, distribution, and analysis of the code leads computer scientists from Johns Hopkins University to write that "our analysis shows that this voting system is far below even the most minimal security standards applicable in other contexts."	Diebold CEO Walden O'Dell writes a fundraising letter to Republicans promising "to [help] Ohio deliver its electoral votes to the President George W. Bush" in the 2004 elections.	As 953 voting machines, manufactured by Advanced Voting Solutions, call in simultaneously to report results, modems collapse and e-voting machines go offline, leading to a denial-of-service incident on election day. Fifty percent of precincts are unable to report results until the next day.	California's Secretary of State decertifies all touch-screen machines and recommends criminal prosecution of Diebold Election Systems following reports of irregularities in the March recall election. The California attorney-general decides against criminal prosecution.	The Associated Press reports that touch-screen voting machines in 11 Florida counties contain a software flaw that would render manual recounts impossible.	Although exit polls show John Kerry sweeping a dozen key battleground states including Ohio and Florida, George Bush wins Ohio, Florida, Iowa, New Mexico and the election. Most pundits conclude that there are serious problems – with exit polling. Rather than investigate electronic voting, most media outlets pledge to no longer conduct exit polls.	Thousands of Maryland voters are left scrambling on primary day: Polls do not open on time as the Board of Elections failed to get "voter access cards" necessary to operate the Diebold TS machines. It is uncertain how many Marylanders never vote at all.	The Election Science Institute (ESI) finds evidence that electronic voting machines in Cuyahoga County experienced major malfunctions and problems, also on primary day. ESI tells CNN that "we're missing data. We're missing critical components within the election."	Writing in <i>Rolling Stone</i> , Robert F. Kennedy, Jr. alleges that "Republicans prevented more than 350,000 voters in Ohio from casting ballots or having their votes counted – enough to have put John Kerry in the White House." While many of these voters were suppressed through "old-fashioned" methods, Kennedy alleges that counties using Diebold voting machines show a statistically improbable increase in support for George W. Bush as compared to the 2000 election.



New York's Battle for Better Voting Machines

BY ERIN THOMPSON

After being sued by the Department of Justice for failing to comply with the Help America Vote Act (HAVA), New York is now facing a September 2007 deadline to implement new voting equipment. In the next few months, counties across the state will have to choose between either high-tech, touch screen Directing Recording Electronic (DRE) devices or low-tech, optical scan electronic systems. While New York State law requires that all DREs be fitted with a printer to record the voters' intent, there is no way to ensure that a computer system has accurately recorded that vote in its internal memory banks. Without being able to verify that the vote was recorded as cast, Teresa Hommel likens voting on a DRE to a "placebo experience." Hommel, a computer technology expert who runs the website *WheresThePaper.org*, has been actively engaged in trying to convince the New York City Board of Elections to go with the cheaper optical scan machines, which simply electronically tally pre-existing paper ballots, instead of the more complex and expensive Direct Recording Electronic devices, which perform all functions of the voting process electronically, from casting the ballot, to recording it, to tallying the results. "Everybody knows you can tamper with a paper ballot. If we can't protect something we can see, how are we going to protect something we can't see?" said Hommel during a Sept. 30 training session instructing citizens how to advocate on behalf of the optical scan systems. In the case of technological malfunction, DREs can present a logistical nightmare for voters who may have to wait in long lines to cast ballots, or not be able to vote at all, "which is one of the worst things you can imagine happening on Election Day," said Lawrence Norden, who leads the voting technology assessment project at the Brennan Center for Justice. "One of the benefits of precinct count optical scan is that a voter fills out the ballot, even if the machine scanner breaks down, the ballot is still there and it can still be counted," said Norden. New York also requires a full-face ballot – meaning any touch DRE interface would have to be sized to accommodate the full ballot listing. Current models put forward by vendors measure about four feet by two feet, leaving large questions about where to store and how to transport machines. DREs can only service one voter at a time, making it necessary for precincts to buy multiple machines. Precinct-based optical scanners, which are about the size of a large fax machine, require only one machine per polling place and will allow multiple voters to vote at once. Even though counties haven't yet chosen the machines, the fact that four companies even submitted optical scan machines for certification in the state of New York represents a victory for voting rights' activists. "We're winning," said Hommel, who is convinced that optical scan systems will eventually win out if citizens actively push for them. "In a democracy you have no right to have an election run properly. In a democracy, you have to run it yourself," said Hommel. "Elections are not something the government owes you, we have to work for it ourselves."





# ELECTRONIC VOTING FOLLIES



## Penetrating the Voting Vortex

continued from page 7

The Hopkins Report was just the first of several reports with devastating conclusions about the security of Diebold's equipment. At the invitation of Utah and Florida election officials concerned about their own equipment, Harris employed Finnish computer scientist Harri Hursti to hack into Diebold optical scan and Accuvote-TS machines last year.

"We did it four different times, using eight different methods. And every time it took about 60 seconds. And the election supervisors knew that we were there and couldn't stop the hack," said Harris of the experiment. Hursti was able to hack into the AccuVote-TS machine after his analysis found a "back door" into the Diebold system that would allow anyone to upload malicious software into the computers as long as the program contained the correct file name.

Using the back door discovered by Hursti, a team of Princeton computer scientists released a report demonstrating how "an attacker who gets physical access to a machine or its removable memory for as little as one minute could install malicious code..." that could "steal votes undetectably, modifying all records, logs, and counters to be consistent with the fraudulent vote count it creates."

"I think the security vulnerability that Harri Hursti found...is the most dramatic security problem that anyone has uncovered in these Diebold systems," said Rubin. "When I read [the report], I sat back in my chair and said well, we can kiss Diebold good bye," said Rubin. "[I thought] there is no way that when this is made public anyone will continue to use Diebold; I was wrong."

Three hundred and sixty counties, covering as many as 16 million registered voters, will vote using the AccuVote-TS system this upcoming election.

### TRADE SECRETS

The significant security flaws exposed by Rubin and others point to a lack of oversight on both the state and federal level to assure that voting equipment works properly and doesn't, for example, steal votes.

"Certification that's being done these days is a joke, it's a farce, and it doesn't count. It hasn't caught these problems," said Simons.

The federal government currently offers voluntary standards for voting equipment. While provisions in HAVA require that the National Association of State Election Directors develop standards for voting technology, the funding for developing these standards has yet to materialize. Instead, states are required to complete independent testing of equipment before the association can certify their machines for use. The tests themselves are conducted by the Independent Testing Authority (ITA), a consortium of federally accredited labs — Ciber, Wyle Labs, and Systest — that are paid by voting machine vendors and are hardly "independent". The labs are required to test for certain criteria only. A machine that meets the standards laid out by the vendors but which was found to contain any number of security or design flaws could still be approved by the ITA.

Any problems uncovered by the ITA are considered proprietary information that cannot be shared with states or the public. In fact, election systems companies claim that any look at the inside of their machines violates "trade secrets."

"There are no real trade secrets in these machines — what they do is not rocket science," said Simons. "I think that they don't want people seeing the code because there are lots of problems with it, because every time a

Much of the suspicion that has grown up around electronic voting has been sparked by the cozy connections and often questionable behavior of the three largest companies that make and operate e-voting machines.



### DIEBOLD

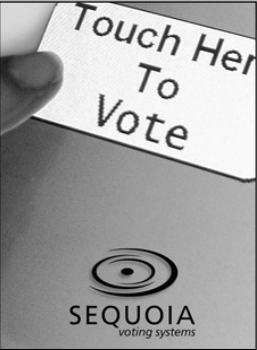
Diebold was originally a manufacturer of bank vaults and safety deposit boxes. The company's rise to prominence in the e-voting industry reads like a parable of Enron-style excess. In recent years, it has been plagued by accusations of inappropriate ties to the Republican Party, corruption among senior-level employees and inadequate security measures in its voting machines. In addition to their political connections, Diebold executives have come under scrutiny for hiring convicted felons in senior positions. Jeff Dean, senior vice-president and senior programmer at Global Election Systems (bought by Diebold in 2002 to later become Diebold Election Systems), was convicted of 23 counts of felony theft.



### ES&S

Election Systems & Software (ES&S), "a provider of election management solutions," is another widely used voting machine company, and along with Diebold tallied approximately 80 percent of electronically cast votes in the 2004 presidential election. The two companies are also linked by the Urosevich brothers: Bob Urosevich is a software engineer and member of Diebold Election Systems management; his brother, Todd Urosevich, is vice-president of After Market Sales at ES&S.

Seed money for Data Mark, ES&S's corporate predecessor, was supplied by the Ahmanson family, which also has poured millions into various far-right causes and think tanks. In 2002, it was revealed that Senator Chuck Hagel (R-Neb.) once owned a 56 percent share of ES&S, which was responsible for counting 80 percent of the winning votes that propelled Hagel to an upset victory in his 1996 run for the Senate.



### SEQUOIA VOTING SYSTEMS

Sequoia is the third provider of voting machines with a specialization in touch-screen voting systems. All Sequoia voting systems supply a Voter Verified Paper Trail, which has allowed the company to escape much of the criticism leveled at ES&S and Diebold. However, the company has still been attacked for leaving unprotected software on a publicly available server, raising concerns about the possibility of vote tampering in future elections. Sequoia's parent company, De La Rue of England, was awarded a multi-million-dollar contract in 2004 by U.S. officials in Baghdad to print the new Iraqi currency.

—ULA KURAS

computer scientist has gotten his or her hands on the software, they've found problems."

### THE PAPER PLACEBO

In response to the growing chorus of concerns raised about the paperless Direct Recording

Electronic voting machines, 27 states now require a voter-verified paper trail, as opposed to only ten when HAVA was passed four years ago. Retrofitting DREs with printers should, in theory, provide a record of the voters' intent, even if the computer records it incor-

# ELECTRONIC VOTING RESOURCES

### ORGANIZATIONS

- > VerifiedVoting: [verifiedvoting.org](http://verifiedvoting.org)
- > Black Box Voting: [blackboxvoting.org](http://blackboxvoting.org)
- > Voters Unite: [votersunite.org](http://votersunite.org)
- > Vote Trust USA: [votetrustusa.org](http://votetrustusa.org)
- > Electronic Frontier Foundation: [eff.org](http://eff.org)
- > Open Voting Consortium: [openvotingconsortium.org](http://openvotingconsortium.org)

### MEDIA

- > Independent Media Source on Election Fraud: [freepress.org/index2.php](http://freepress.org/index2.php)
- > View *Help America Vote on Paper* DVD at: [eon3.net/pages/main.html](http://eon3.net/pages/main.html)

- > Princeton Scientists hacking experiment live on Youtube: [youtube.com/watch?v=5W MG34cv0zM](http://youtube.com/watch?v=5W MG34cv0zM)

### BLOGS

- > [bradblog.com](http://bradblog.com)
- > [avi-rubin.blogspot.com](http://avi-rubin.blogspot.com)
- > [freedom-to-tinker.com](http://freedom-to-tinker.com)

### NEW YORK ACTIVISTS

- > Where's the Paper?: [wheresthepaper.org](http://wheresthepaper.org)
- > New Yorkers for Verified Voting: [nyvv.org/](http://nyvv.org/)

### BOOKS

- > *Brave New Ballot: The Battle to Safeguard Democracy in the Age of Electronic Voting*, by Avi Rubin.
- > *Black Box Voting: Ballot-Tampering in the 21st*

*Century* by Bev Harris. Download free at [black-boxvoting.org/book.html](http://black-boxvoting.org/book.html)

- > *Was the 2004 Presidential Election Stolen? : Exit Polls, Election Fraud, and the Official Count* by Steve Freeman and Joel Bleifuss.
- > *What Happened in Ohio? A Documentary Record of Theft and Fraud in the 2004 Election* by Bob Fittrakis, Steven Rosenfeld and Harvey Wasserman.
- > *What Went Wrong In Ohio: The Conyers Report On the 2004 Presidential Election*.

rectly. However, in practice, the "paper trail" can be of little use. Not only is a lengthy manual recount made more difficult by printer rolls that do not facilitate straightforward tallying of votes, the supposedly "verified" record can be difficult to read for voters analyzing their results.

"The paper records can be untrustworthy because the printers don't work right, some of the paper records are missing or illegible, or because voters don't check them," said Dill.

If a paper trail diverged greatly from an official vote count, there would still be no clear idea as to what the "real" tally of an election was. "Those need to be the votes of record and if the electronic records are more reliable than the paper records then you're back where you started from, of having to trust this computer which is essentially totally untrustworthy."

A paper record is meaningless if no one checks it. "Most states around the country that have a voter verified paper trail requirement don't have corresponding rules that say what you actually have to do with it," said Matt Zimmerman, an attorney for the Electronic Frontier Foundation, a digital rights organization. Zimmerman is the lead attorney in *White v. Blackwell*, a lawsuit that claims that Ohio's entire election system is unconstitutional.

The Ohio lawsuit could have a national impact if it successfully challenges that state's election process from its certification requirements all the way up to the way the state trains poll workers and election officials on how to use these systems.

### STUCK WITH THE BILL

With so much money spent on elections systems that do not work or are not verifiable in any basic way, many states are now stuck with the cost of their mistakes. After California sued Diebold in 2004 for "overly aggressive marketing" of its TSx voting machine in which "not a single version of the TSx firmware has completed federal qualification testing for use in the November 2004 election," the state eventually settled its suit with the company for \$2.6 million and recertified the equipment for use in the 2006 elections.

The state of Maryland, which spent \$106 million on Diebold paperless DREs, experienced widespread problems with the new equipment in the 2006 primary races. Touch-screen electronic poll books, used to check voters in and keep track of who voted and where, failed across the state. By attaching a mouse to the poll books, Diebold claims to have fixed the problem. The state's Republican Governor Robert Ehrlich is now urging voters to vote via absentee ballot in order to avoid using the paperless DREs.

While absentee voting may increase, many voters will have to deal with machines that don't work properly or the lingering suspicion that the machines don't accurately record their votes. For Bev Harris, who began her voting activism after reading an article on the Internet, the only way to ensure free and fair elections is "for people to step away from the Internet" and become poll workers themselves. "They're going to actually have to engage, become participants in democracy," she said.

Still, if and when voters finally demand an overhaul of the current mess from their elected officials, a bigger question remains:

What do you do with hundreds of millions of dollars of useless voting equipment?

"I recommended to them [state officials] that they give these thirty, forty thousand machines that they have to the schools, attach a mouse and a keyboard, they're Windows machines, let the kids use them," said Avi Rubin, who votes in Maryland. "Or give them to a country whose government we want to control."



# Waiting for Bush’s October Surprise

BY GARY HART

It should come as no surprise if the Bush administration undertakes a preemptive war against Iran sometime before the November election.

The steps will be these: Air Force tankers will be deployed to fuel B-2 bombers, Navy Cruise missile ships will be positioned at strategic points in the northern Indian Ocean and perhaps the Persian Gulf, unmanned drones will collect target data, and commando teams will refine those data. The latter two steps are already being taken. Then the President will speak on national television. He will say this: Iran is determined to develop nuclear weapons; if this happens, the entire region will go nuclear; our diplomatic efforts to prevent this have failed; Iran is offering a haven to known al Qaeda leaders; the fate of our ally Israel is at stake; Iran persists in supporting terrorism, including in Iraq; and sanctions will have no effect (and besides they are for sissies). He will not say: ...and besides, we need the oil.

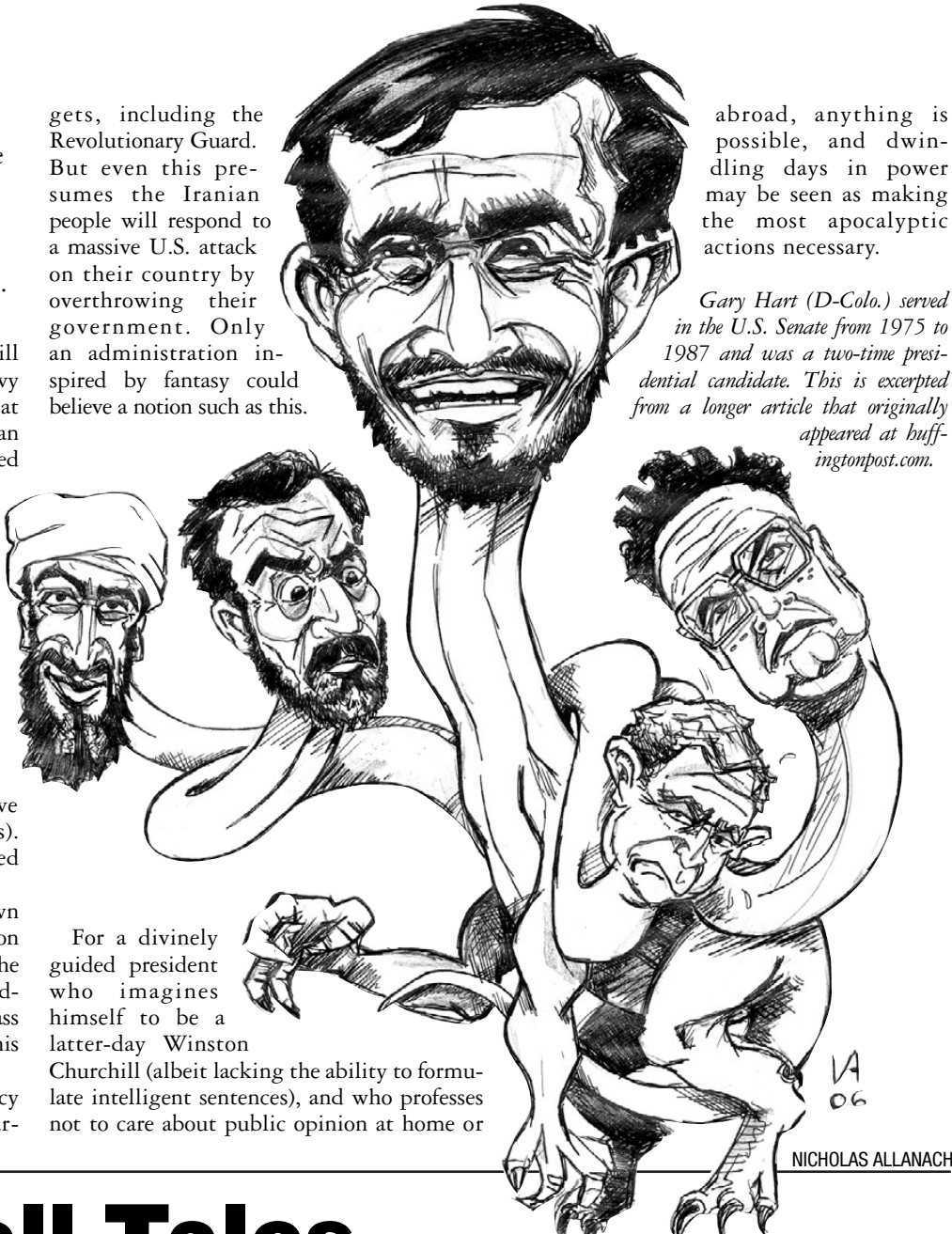
Therefore, he will announce, our own national security and the security of the region require us to act. “Tonight, I have ordered the elimination of all facilities in Iran that are dedicated to the production of weapons of mass destruction...” In the narrowest terms this includes perhaps two dozen targets. To have any hope of success, such a policy would require attacking at least 400 tar-

gets, including the Revolutionary Guard. But even this presumes the Iranian people will respond to a massive U.S. attack on their country by overthrowing their government. Only an administration inspired by fantasy could believe a notion such as this.

For a divinely guided president who imagines himself to be a latter-day Winston Churchill (albeit lacking the ability to formulate intelligent sentences), and who professes not to care about public opinion at home or

abroad, anything is possible, and dwindling days in power may be seen as making the most apocalyptic actions necessary.

*Gary Hart (D-Colo.) served in the U.S. Senate from 1975 to 1987 and was a two-time presidential candidate. This is excerpted from a longer article that originally appeared at [buffingtonpost.com](http://buffingtonpost.com).*



# Media Tall Tales for the Next War

BY NORMAN SOLOMAN

The Sept. 25 edition of *Time* magazine illustrates how the U.S. news media are gearing up for a military attack on Iran. The headline over the cover-story interview with Iran’s president, Mahmoud Ahmadinejad, is “A Date With a Dangerous Mind.” The big-type subhead calls him “the man whose swagger is stirring fears of war with the U.S.,” and the second paragraph concludes: “Though pictures of the Iranian president often show him flashing a peace sign, his actions could well be leading the world closer to war.” When the biggest U.S. newsweekly devotes five pages to scoping out a U.S. air war against Iran, as *Time* did in the same issue, it’s yet another sign that the wheels of our nation’s war-spin machine are turning faster toward yet another unprovoked attack on another country. Ahmadinejad has risen to the top of Washington’s – and American media’s – enemies list. Within the last 20 years, that list has included Manuel Noriega, Saddam Hussein and Slobodan Milosevic, with each subjected to extensive vilification before the Pentagon launched a large-scale military attack. Whenever the President of the United States decides to initiate or intensify a media blitz against a foreign leader, mainstream U.S. news outlets have dependably stepped up the decibels and hysteria. But the administration

can also call off the dogs of war by going silent about the evils of some foreign tyrant. Take Libya’s dictator, for instance. For more than a third of a century, Col. Muammar al-Qaddafi has been a despot whose overall record of repression makes Noriega or Milosevic seem relatively tolerant of domestic political foes. But ever since Qaddafi made a deal with the Bush administration in December 2003, the silence out of Washington about Qaddafi’s evilness has been notable. When Qaddafi publicly celebrated the 37th anniversary of his dictatorship a few weeks ago, he declared in a speech on state television: “Our enemies have been crushed inside Libya, and you have to be ready to kill them if they emerge anew.” *The New York Times* noted that Qaddafi’s regime “criminalizes the creation of opposition parties.” Today, while the human rights situation in Iran is reprehensible, the ongoing circumstances are far worse under many governments favored by Washington. Here at home, media outlets should be untangling double standards instead of contributing to them. But so many reporters and pundits have internalized Washington’s geopolitical agendas that the mainline institutions of journalism continue to rot from within. That the rot goes largely unnoticed is testimony to how Orwellian “doublethink” has been normalized. These are not issues of professionalism any

more than concerns about public health are issues of medicine. The news media should be early warning systems that inform us before current events become unchangeable history. But when the media system undermines the free flow of information and prevents wide-ranging debate, what happens is a parody of democracy. That’s what occurred four years ago during the media buildup for the invasion of Iraq. Now, warning signs are profuse: The Bush administration has Iran in the Pentagon’s sights. And the drive toward war, fueled by double standards about nuclear development and human rights, is getting a big boost from U.S. media coverage that portrays the President as reluctant to launch an attack on Iran. *Time* magazine reports that “from the State Department to the White House to the highest reaches of the military command, there is a growing sense that a showdown with Iran ... may be impossible to avoid.” The same kind of media spin – assuming a sincere Bush desire to avoid war – was profuse in the months before the invasion of Iraq. The more that news outlets tell such fairy tales, the more they become part of the war machinery. Norman Solomon is executive director of the Institute for Public Accuracy and the author of *War Made Easy: How Presidents and Pundits Keep Spinning Us to Death*. This article originally appeared on [commondreams.org](http://commondreams.org).

# World briefs

**LEBANESE FACE INCREASED HEALTH RISKS AFTER WAR**  
Environmental consequences in the aftermath of the July-August war between Israel and Hezbollah jeopardize the health of two million residents of Lebanon, Agence France Presse reported. Many Lebanese face an increase in health risks from airborne chemicals and building dust. Israel’s bombing of factories led to several toxic releases, including millions of gallons of oil that leaked into the Mediterranean Sea after Israel bombed the Jiyeh power plant was hit.



**UNITED STATES INTERVENING IN NICARAGUAN ELECTIONS**  
Former leftist president Daniel Ortega could be returned to office, according to polls that show him leading Nicaragua’s presidential race in advance of Nov. 5 elections. Rep. Dan Burton (R-Ind.), chair of the Western Hemisphere Subcommittee of the House’s Committee on International Relations, stated in a recent visit to Nicaragua that the United States might cut \$175 million in aid and prohibit Nicaragua’s participation in the Central American Free Trade Agreement if voters choose Ortega, who led the country from 1979 to 1991. Meanwhile, Venezuela recently began delivering subsidized oil shipments to Nicaraguan municipalities led by mayors from Ortega’s Sandinista party.

**38 PROTESTERS SACKED IN BRIT PARLIAMENT PROTEST**  
Thirty-eight protesters were arrested in London Oct. 9 during a protest aimed at prohibiting politicians from entering Westminster Palace, where the British Parliament was scheduled to meet, reported Infoshop News. Most of the protesters were arrested for violating a ban on unpermitted protests within one mile of Parliament Square. More than 300 police responded to the 50-person demonstration, dubbed “State of Emergency Sack the Parliament” while an additional 800 police were on standby. A website promoting the demonstration read, “Despite repeated mass protests, Parliament has ignored those it is supposed to represent and consistently sided with continuing wars and further authoritarian legislation.” Anarchists in the crowd waved placards saying, “No state. No war. No leader and no hierarchy,” and “Tony Blair, war criminal.”

**SEWAGE AND GARBAGE THREATEN GLOBAL MARINE LIFE**  
The U.N. Environment Program (UNEP) stressed that marine life and habitat is being threatened around the globe by tons of plastic trash and untreated sewage, reported Inter Press Service. Unregulated pollution from growing coastal populations has led to an increase of ocean “dead zones” from 150 in 2004 to about 200 in 2006. The dead zones can be as large as 100,000 sq kilometers, a consequence of a lack of oxygen due to nitrogen contamination from sewage and fertilizer run-off. Expensive treatment plants are not the only solution to untreated sewage wastes – coastal wetlands, salt marshes and mangroves can also do the job, researchers said. Researchers have also found negative effects from trace amounts of pharmaceuticals embedded in sewage. Plastic waste, such as bags, bottle tops, and polystyrene foam cups, are estimated to kill more than one million seabirds per year and more than 100,000 sea turtles and sea mammals per year. Microscopic particles of plastic can be found in plankton as well.



FILM

# Full Frontal

SHORTBUS  
DIR. JOHN CAMERON MITCHELL  
PROCESS MEDIA (2006)



**S**horegirls director Paul Verhoeven once commented that he wanted to make a mainstream narrative film that showed a penis becoming erect, since it represents perhaps the greatest taboo for the Motion Picture Association of America (MPAA) and Hollywood filmmaking. Seriously one-upping both Verhoeven and Kirby Dick's anti-MPAA screed *This Film is Not Yet Rated* – John Cameron Mitchell's *Shortbus* not only has more erect penises, general full-frontal nudity and unsimulated sex than any narrative film recent memory, it actually includes in its opening sequence a man trying to fellate himself. Shocking and yes, provocative, especially in our increasingly repressive environment, where an exposed nipple is still a relevant news story years later. But this scene is no mere stunt – what starts off as an amusing take on self-love soon dissolves into the loneliest image of any movie all year when the exceptionally limber ex-hustler, videotaping the act alone in his apartment, begins to quietly weep.

Combining a serious interest in the love lives of the disenfranchised with his musically fluid sense of structure and mischievous flair for provocation, Mitchell builds on the success of his debut, *Hedwig and the Angry Inch*, by fashioning a mini-Altman tapestry of people struggling to find happiness in their relationships. The relatively aimless narrative focuses on three couples who all come together at the titular Brooklyn sex haven, a more playful, low-key version of Warhol's Factory with a similar level of welcomed debauchery.

Aforementioned ex-hustler James (Paul Dawson) and his sweet but dull boyfriend Jamie (PJ DeBoy), who've stopped sleeping together after many years together, visit "couple's counselor" Sofia (Sook-Yin Lee), whose husband Rob (Raphael Barker) has no idea she's never had an orgasm. Brought to *Shortbus* by James and Jamie, Sofia befriends Severin (Lindsay Beamish), a dominatrix and artist whose abuse of her main client, trust-fund prick Jesse (Adam Hardman), is starting to wear on her psyche. Connections are forged, with James and Jamie enter-

THEATER

# ONE LAST NIGHT WITH NIXON



DUANE WADE

**T**here's the Richard Nixon of the history books, and then there's *Nixon's Nixon* – a powerful satire by Russell Lees. Set on Nixon's last night in office, the play follows a fictional conversation between Tricky Dick and his secretary of state, in which the two men plot to keep the doomed president in power. Nixon (played by Gerry Bamman, whose mannerisms sometimes resemble Jack Nicholson's) is desperate, uninhibited, and

sometimes hilarious. Stuffy, intellectual and also desperate, Kissinger (Steve Mellor) listens to his boss spew expletives like "pig shit" and "cock-suckers" without so much as a smile. In one particularly amusing scene, Kissinger impersonates Mao Zedong so that the president can reenact his pre-Watergate glory days.

For all its humor, the play is not without an important political message. Protesters stood outside the theater, calling on passersby to overthrow the current administration, and it's easy to imagine Kissinger replaced with Condoleezza Rice and Nixon with George W. – never mind that the script was written in the late nineties. When the fictional Nixon plots to provoke a crisis along the Chinese-Soviet border in order to detract attention from Watergate, one can't help but think of the very real mess in the Middle East.

NIXON'S NIXON  
SCREENPLAY BY RUSSELL LEE

At Kissinger's prodding, Nixon abandons his dream of going down in history as a hero and resigns, convinced that his reputation is beyond repair. "This cloud over your head is more than a cloud," the secretary of state tells his boss, as if referring to recent fiascos such as Guantánamo or Katrina.

The real-life Nixon called his resignation in 1974 the start of a healing process "so desperately needed in America." A similar process is needed today, though chances are slim that Bush will follow in the 37th president's footsteps – or Tony Blair's, for that matter. What America needs is a Kissinger to convince Bush to resign.

—LIANA GREY

*Nixon's Nixon will play at the Lucille Lortel Theatre through Oct. 28. For more information see [www.impactfestival.org](http://www.impactfestival.org).*



JUSTICE, DIRECTED BY MARIA RAMOS.

ing into a three-way relationship with model Ceth (Jay Brannan), while James grows increasingly more despondent. Shut off from the world, Severin starts to open up to Sofia, who even kisses *Shortbus*' cross-dressing host (scene-stealing genius Justin Bond) in a vain search for sexual fulfillment.

Beyond the ample sex onscreen, there's a real intimacy among the cast, perhaps due to Mitchell's decision to workshop the film collectively à la Christopher Guest or Mike Leigh. Thus, despite a handful of awkward edits and strangely underdeveloped characters, the film captures a genuine tenderness that nicely complements its epic ode to tolerance (even a creepy peeping tom is embraced!). As in *Hedwig*, Mitchell cuts best to music and the film's combination of real sex with the bitchiest wit since Bette Davis will surely give it a similar cult following.

In juxtaposing the pure joy of fucking with the heartbreak, miscommunication, and isolation of sexual relationships, Mitchell has made a sweetly mature and enjoyable American film about sex that deserves your hard-earned cash.

—CHARLIE BASS

*Shortbus is currently playing at Sunshine Cinema and Clearview Chelsea.*

FILM

# Justice Unknown

JUSTICE  
DIRECTED BY MARIA RAMOS  
FIRST RUN/ICARUS FILMS

**J**ustice, a documentary by filmmaker Maria Ramos, tells the story of several young men going through the Brazilian court system. Petty criminals, or accused of being such, they pass through a system that is totally lacking in humanity. The court's bureaucracy is revealed in its processing of the accused with the disinterest and apathy that we might expect at the DMV. Defendants are pushed through the system regardless of their innocence or basic human needs.

Ramos allows the viewer to be the proverbial fly on the wall as defendants and their families go through Brazil's judicial system from the courtroom to overcrowded jail cells. Ramos refrains from using narration and "talking heads," pre-

ferring to let the images and sounds captured by the cameras speak for themselves. At no time does the action appear unnatural, and the subjects never acknowledge the camera's presence, even in the few scenes where we look at the family life of the public defender. This lack of acknowledgement hastens the question that all documentaries inevitably face: How "real" is what's happening on the screen?

Ramos' unobtrusive style, which has been praised by some, often leaves issues unaddressed. The film makes no attempt to establish a sociopolitical context for what we are seeing and is often predictable in simply displaying Brazil's "third worldness" without furthering the viewer's understanding of the images it presents. While the film tells the personal story of the defendants effectively, those looking for an in-depth analysis of the Brazilian judicial system will leave the theater unsatisfied.

—ANTONIO GOLÁN

*Justice plays at The Film Forum Oct 18-24*

ART

# Vollard's Triumph

CEZANNE TO PICASSO:  
AMBROSE VOLLARD, PATRON OF  
THE AVANT-GARDE  
AT THE METROPOLITAN MUSEUM  
OF ART THROUGH JAN. 7, 2007.

**A**rt is one of the few things of marketable worth produced by Western society since Napoleon Bonaparte overturned the French Revolution in the coup d'état of 1799.

Disastrous events followed at intervals – the Napoleonic era and continental wars of the early 19th century, the Metternich system, the failure of the Revolutions of 1848, the Franco-Prussian War of 1870, the French Commune, World Wars I and II, the termination of the Soviet Union, and the present Middle East catastrophe. As those events occurred, artists throughout the 19th and 20th centuries endeavored to counter them with their works.

Generations of artists in France presented a different vision of life from industrialization, national aggrandizement, accumulation of wealth, colonization and war. One manifestation of their efforts is now on exhibit at the Metropolitan Museum of Art in a celebration of Ambrose Vollard (1866-1939), the Parisian art dealer, author and publisher of art books.

The exhibit is a triumph – it glows with Vollard's personality (his "unique blend of 'somnolence and evasion' was the opposite of the hard sell," writes curator Ann Dumas) and with his alertness to the great artists he represented, from Cézanne to Picasso, Van Gogh, Gauguin, Renoir, Degas, Matisse, Bonnard, Redon, Rouault and Maillol, along with the numerous portraits the artists painted of him.

Other splendid examples of their work on exhibit include a Cézanne self-portrait of monumental solidity; Van Gogh's *Starry Night Over the Rhone*, an affecting complement to *Starry Night* in the MoMA and Gauguin's masterpiece, *Where Do We Come From? What Are We? Where Are We Going?*

Also featured are two minutes of rare film footage showing Renoir and Vollard in conversation and Renoir painting.

—DONALD PANETH





BOOKS

# Echoes of a War

When history looks back on the Iraq War, the greatest tragedy may be the failure of Sunnis and Shia to forge a national resistance against the U.S. occupation. If the tactically adept Sunni Arab resistance, based mainly in Baghdad and western Iraq, had been able to combine forces with religious Shia groups in the South that are anti-imperialist but lack military training, then the occupation might have become untenable.

The Achilles' heel of the U.S. war is its supply lines. Patrick Lang, a military analyst, recently noted, "All but a small amount of our soldiers' supplies... pass through the Shiite-dominated south of Iraq." The roads have remained largely unmolested, but a tenacious insurgency could turn them into a "shooting gallery" more than 400 miles long.

This is not just an abstract fear. Thomas Ricks writes in *Fiasco: The American Military Adventure in Iraq* that in April 2004 U.S. commanders were so worried about their supply lines that they ordered the Green Zone to go on food rationing and "thought they'd have to evacuate Baghdad."

While the U.S. military is bogged down and bloodied, the resistance, fragmented largely along religious lines, has been unable to dislodge it and has instead helped plunge Iraq into a civil war. Internecine warfare is a theme central to Nir Rosen's *In the Belly of the Green Bird: The Triumph of the Martyrs in Iraq*.

Arriving days after the fall of

Baghdad, Rosen's reporting from the mosque, street and marketplace illuminates the forces unleashed by the toppling of Iraq's regime. All "that remained was the mosque. Old authorities were destroyed and angry young clerics replaced them, arrogating to themselves the power to represent, to mobilize, to govern."

While it was Sunni Arabs who first picked up the gun, it was Shia clerics who denounced the occupation most harshly and demanded an Islamic state. It wasn't just Moqtada al-Sadr, the scion of the revered Sadr family. Abdel Aziz al-Hakim, who has been trying to form a breakaway oil-rich region in the South that he and his party would control, took an oppositional stance at first: "There are no more excuses for the U.S. presence and it is not accepted by the Iraqi people."

Another, Sheikh Muhammad al-Yaqubi (later a self-anointed Ayatollah), held a conference during the first month of the occupation in Najaf to found his Fudala party, at which he announced, "We are at war with the West... represented by American imperialism."

As for Moqtada al-Sadr, Rosen notes his fondness for street slang, unusual for a Shia cleric, that was a mark of his appeal, underestimated by both the United States and Shia establishment: "No other leader in Iraq had such a personal relationship with his followers."

Sunni clergy, meanwhile, counseled restraint at first. There is little evidence to support the idea that Hussein's regime planned the

insurgency. During a six-week period from April to May of 2003, only five U.S. troops were killed by hostile fire. The Pentagon itself concluded in *The Iraqi Perspectives Report* (2006, Naval Institute Press) that "there were no national plans to embark on a guerrilla war in the event of military defeat."

It was a heavy-handed occupation — house raids, mass arrests, checkpoint killings — that sparked the resistance. The fuel was throwing hundreds of thousands of bread-winners out of work by disbanding the army and issuing a blanket de-Baathification.

By the spring of 2004, Rosen argues, Sunnis and Shia "hated each other." This is at odds with the standard history that the national resistance peaked in April after the first U.S. attack on Fallujah coincided with the uprising of the Mahdi Army. Rosen may be right that sectarianism was growing, but his analysis would have benefited from specific evidence instead of generalities like "Sunni and Shia newspapers grew more brazen in their attacks on each other," and "Mosques were attacked every night and clerics killed, leading to retaliations against the opposite sect." Interestingly, his initial reporting, which is more extensive than the book and is available through the *Asia Times* website, was more sanguine about Sunni-Shia solidarity at the time.

Like Rosen, Thomas Ricks speculates on a potential civil war and breakup. Curiously, Ricks ends his book by imagining a "worst-case scenario:" a new Saladin, someone who unites not just Iraq but the Arab world "combining popular support with huge oil revenues" and potentially nuclear weapons.

It's a feverish fantasy that defies the modern history of the Middle East and points to the failings of a book that is at times masterful. *Fiasco* is an impressive tome, marshalling reams of evidence and hundreds of interviews with U.S. military and political figures to describe an ideological crusade that has ended in disaster. But for all its rich detail it repeatedly misses the broader historical context and has almost nothing to say about regional politics, the reconstruction

IN THE BELLY OF THE GREEN BIRD:  
THE TRIUMPH OF THE MARTYRS IN IRAQ  
BY NIR ROSEN  
FREE PRESS, 2006

FIASCO: THE AMERICAN MILITARY ADVENTURE IN IRAQ  
BY THOMAS E. RICKS  
THE PENGUIN PRESS, 2006

disaster or the role of petro-politics in the invasion and occupation.

Ricks' work is full of gems, like the fact that Rumsfeld, to prove his new military doctrine that speed, information and high-tech weapons could largely replace ground forces, wanted to launch the invasion with a minuscule 10,000 troops. What he doesn't discuss is that the desire to launch an invasion-lite was probably linked to Bush administration plans to keep the juggernaut rolling into Syria and Iran.

At times his narrative takes ludicrous turns, setting up monumental decisions as a clash between villains and heroes. The first villain we meet is Paul Wolfowitz. Ricks would have us believe that an undersecretary with a few allies on Cheney's staff was able to push the United States to war with Iraq. (The hero in this case is Gen. Anthony Zinni, who oversaw a four-day bombing campaign of Iraq in 1998.)

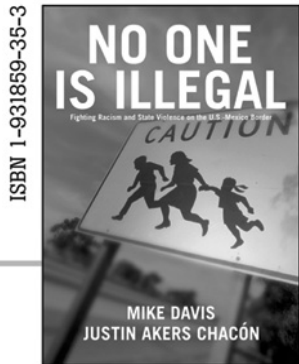
Later in the book he suggests that Ahmed Chalabi maneuvered Paul Bremer into dissolving the Iraqi army and de-Baathifying the state. Ricks doesn't consider that there were a lot of other political and economic interests eager to see the old order swept out.

He is insightful with the details — invaluable interpreters being used "to buy chickens and soft drinks" for troops or U.S. trainers so distrustful of their Iraqi charges they carry "loaded pistols at a graduation ceremony in case of a mutiny" — while often missing the historical picture.

He recognizes that Abu Ghraib was symptomatic of a larger problem with the whole U.S. prison system in Iraq but falls back on platitudes that the United States has a "proud heritage of treating its prisoners better than most" — something patently untrue about the U.S. treatment of POWs during the Vietnam War.

Again and again he suggests the biggest problem was a lack of U.S. troops, and only occasionally acknowledges that perhaps it was their presence and actions that were stoking the resistance. While *Fiasco* has its flaws, like *In the Belly of the Green Bird* it is a welcome contribution to the growing body of literature of a war that will reverberate for decades to come.

—A.K. GUPTA



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